

**CITY COUNCIL WORK SESSION
CITY OF WATERTOWN
October 15, 2013
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham

Also Present: Sharon Addison, City Manager

City staff present: Mike Sligar, Erin Gardner, Gene Hayes

Discussion of Requests for Abates (1203 State Street, 327 Coffeen Street and 422 Cross Street) – Sharon Addison, City Manager

Mayor Graham explained why he requested that this come before Council stating that any abatement or waiver is a defacto expenditure of public money which is a decision that the elected body should make. In the case of many of the waivers, he said there may be a good reason to approve them and staff can make recommendations but Council should make the determination. In regards to the lawn mowing at Mercy, he asked if the fees had been waived.

Ms. Addison replied that nothing has been waived at this point.

In terms of the three property maintenance abatement requests before Council, Ms. Addison noted that they were first time code violations. She explained that two are active military currently out of the area and one is an elderly lady whose family is maintaining the property from outside of the area. She recommended that in each of these cases the \$150 surcharge fee be waived.

Mayor Graham asked what the surcharge pertains to.

Ms. Addison stated that it covers the time and effort of the Code Enforcement Officers for documenting and processing the violation.

Mayor Graham asked if the fees for the services such as the lawn mowing and trash removal would be waived.

Ms. Addison said that those fees would continue to be charged.

Council Member Smith asked how this was handled in the past.

Ms. Addison said that since she has been here there were only two other requests and she waived the surcharge only. She does not know how it was handled prior to that.

In response to Council Member Burns' inquiry, Gene Hayes, Superintendent of Parks and Recreation stated that this was always handled by the City Manager's Office in the past and he did not have a say in that decision. He mentioned that a request for a waiver was fairly rare and explained that the \$150 surcharge fee was started by former City Manager Hiller to cover the cost of the Code Enforcement Officer's time.

Mayor Graham questioned if the surcharge fee was in the code.

Mr. Hayes was not sure if it was.

Mayor Graham said that fees need to be set by Council and put into the code. He further explained if it is an arbitrary fee set by the City Manager then it is just as arbitrary that it can be waived. He noted that if it is not set in the code, then there is not a statutory reason to collect it.

Council discussed several provisions of the code referenced in the memos from Shawn McWayne, Code Enforcement Supervisor wondering if the surcharge was included in any of the sections. Also, discussion occurred as to whether the surcharge fee is based on an hourly rate or is an arbitrary amount.

Mayor Graham stressed that if waivers are granted then there needs to be transparency and the system in the past was not.

Council Member Macaluso asked if there were a lot of repeat offenders.

Mr. Hayes said there were.

Council Member Macaluso said that the repeat offenders need to be addressed so that the City employees do not need to do the same work over and over. She said that she willing waive these but cannot waive anything for repeat offenders.

Mayor Graham commented that the City gets into trouble when someone pays for the same thing that someone else does not have to and that there needs to be integrity to the rate structure.

Ms. Addison informed Council that there were two requests for abatement last year and three requests this year.

Council Member Smith remarked that the surcharge fee should be in the code.

Ms. Addison said that she will research this.

Council Member Burns agreed with the City Manager's recommendation that this would be waived as a one time courtesy. Discussing each of the three cases in front of Council, Council Member Burns commented that they are unique situations and she will support Ms. Addison's decision. She said that she sees this as an administrative act by the City Manager and some people may accuse Council of micromanaging. She agreed with the Mayor in that this happened in the past and Council was not aware of it.

Mayor Graham summarized that the surcharge could be administratively waived but there should be public notice through Council's agenda by way of a staff report. He added that the surcharge should be added to the City Code.

Council concurred.

Signs at Thompson Park

Mr. Hayes summarized a recent ruling made by a City Judge citing that the signage for Thompson Park was not adequate in relaying that the streets through the park were closed between 9:00 pm and 7:00 am. He explained that there are two types of signs needed to relay that the streets are closed to vehicles and traffic as well as the park is closed to pedestrians. He described the type of "Road Closed" signage needed per regulations stressing the size and height of each sign. He said that the judge indicated that two of these signs are needed for each entrance facing opposite directions for incoming and outgoing traffic.

Council Member Smith asked if these roads are treated differently because they are part of parkland.

Mr. Hayes explained that the streets were considered part of the park up until a few years ago when they were added to the City's inventory of streets for funding purposes.

Mayor Graham asked how to reconcile the fact that the roads are really not closed because there are residents leaving there, employees working up there and customers of the golf club driving up there.

He informed Council that an additional sign stating "After hours access by permit only" should be installed under the "Road Closed" sign to allow for the guests of the Golf Course and events at the zoo. He said that the Parks and Recreation Department would inform the Police Department when an event is held in the park after 9:00 pm.

Mayor Graham summarized that the only reason this was debated in court is because it involved a DWI case. He clarified that Council needs to decide if the roads through the park should be closed between 9:00 pm and 7:00am. He stated that the fact that there are businesses up there and the road is closed, the patrons of those businesses are subjected to automatic probable cause to be pulled over. He commented that he is not sure if he wants to subject the patrons to that kind of "automatic pullover" just by virtue of being there.

In response to Council Member Macaluso's question, Mr. Hayes said the signs at each entrance need to be the same and must meet standards.

Mr. Hayes showed an example of the proposed sign demonstrating the size and wording. He explained that each sign would cost approximately \$700 for the materials.

Council Member Burns remarked that she has been on the streets of the park after hours while working on zoo committees. She understands that there are concerns with patrons using the park after 9:00 pm but she questioned the harm of using the streets through the park after 9:00 pm because they are city streets. She pointed out that this is what the question is and the discussion should be focused on this. She expressed concern that there is a residence in the middle of the park with a valid City of Watertown address and asked if Council is deciding that these residents cannot leave or go to it after 9:00pm. She

wondered whether these residents cannot have guests to their home after 9:00 pm. She also reminded Council that the guests of the Golf Club use these streets.

Mayor Graham mentioned that if the streets are to be closed then it should be done by ordinance. He also said that Council Member Burns raised some valid points and a lot more thought needs to go into this.

Council Member Butler commented that he felt this is a waste of time and the signs are fine as they are now. He said this expense would be just to alleviate an issue that was brought up by one man's intoxication up there. He noted that a change in signs is not going to change traffic flow up there.

Council Member Smith asked if Council is saying that the streets should be open but the park is not after 9:00 pm.

Council Member Burns said there are valid reasons to be driving through the park but she is not advocating keeping the park open.

In regards to park rules, Mr. Hayes showed an example of a sign listing hours and rules for the park. This type of sign, he said was advised in the court ruling to ensure that pedestrians are not in the park after hours. He reminded Council that park rules were discussed a few years ago but nothing was finalized.

Mayor Graham advised that if there is support for closing the streets then an ordinance should be proposed. He noted that in the absence of an ordinance, the roads are open.

Watertown Area 51 – Vortex Sign

Mayor Graham informed Council that he paid for this sign and it was not an expense of the City

MS4 Co-Op Update

Mike Sligar, Water Superintendent provided Council with a update and referred to the bolded summary on page two of his report stating that preparation of an application for the \$100,000 Water Quality Improvement Program Grant and a Letter of Intent needs to be completed. He advised that each of the nine Municipal Entities need to submit their own Notice of Intent stating they know the obligations required and that the EPA and DEC is regulating this.

In response to Council Member Smith's inquiry, Mr. Sligar clarified that the City of Watertown is only responsible for the City and not the other entities.

In regards to the Notice of Intent, Mr. Sligar explained the required form that needs to be used, pointing out that Sharon Addison will be listed as the Executive Officer and Mr. Sligar will be listed as the Program Coordinator. He also noted the six minimum control measures and additional items required by the rules.

Discussion focused on previous Control Plans done and the steps leading up to this process. Mr. Sligar stressed that this was all required and now this is the last piece which is necessary. He explained that this is a very administratively heavy program but much of the requirements are already being done within the City of Watertown so no additional staff will be needed.

In regards to the Co-op of the nine municipalities, Mr. Sligar answered Council's questions highlighting that the Town of Leray will be the lead agency and will distribute the grant money. He stressed that the City can give 60 day notice to leave the Co-op at any time if it finds that the Co-op is not in the City's best interest. He added that the Memorandum of Understanding has yet to be prepared so there are still a lot of unknowns so right now he only needs Council's support for him to submit the Notice of Intent.

Work session ended 8:34 p.m.

Ann M. Saunders
City Clerk